the rights or interests therein recorded; and shall at any time correct or cause to be corrected any clerical error therein and also any other error which all the parties interested admit to have been made in the same.

Bar of suits against Government, etc., to set aside decisions under section 6 or 7; but effect to be given to decrees obtained by parties *inter se*.

8. (*1*) No suit shall lie against Government or against any officer of Government to set aside any decision or order of a Survey-officer or of a Collector under section 6 or 7.

(*2*) But the said register and other records shall from time to time be amended by the Survey-officer, or, when the survey-settlement is completed by the Collector, in accordance with any final decree of a Court of competent jurisdiction which the parties may obtain *inter se* on an application accompanied by a certified copy of such decree, being duly made to the Survey-officer or Collector for that purpose.

(*3*) In any suit in a Civil Court between the parties or persons claiming under them, a decision or order of a Survey-officer or Collector under section 6 or 7 shall not be held to be conclusive as to any matter therein decided.

Changes in records to be communicated to parties affected thereby.

9. Every change in the said register and other records shall be communicated without delay by the officer making it to each of the parties affected thereby.

PART III.

PARTITION.

Persons entitled to partition.

10. (*1*) Every person who has obtained a final decree of a Court of competent jurisdiction declaring him to be entitled to a share of a táluqdarí estate and every co-sharer whose name is recorded, as such, in the settlement register prepared in accordance with section 5 and pending the preparation of the said register, every person whose title to any such share as aforesaid is not disputed by any other person claiming a share in the same estate, shall be entitled to have his share divided from the rest of the estate and to hold the same as a separate estate.

(*2*) Any two or more such co-sharers or persons shall be entitled to have their shares divided from the rest of the estate and to hold the same jointly as a separate estate.

Applications for partition to whom to be made.

11. Applications for partitions shall be made to the Táluqdárí Settlement-officer or to such other officer as the Governor in Council appoints in this behalf.

Notification of application.

12. (*1*) The Táluqdárí Settlement-officer, or other officer aforesaid, on receiving an application for partition, shall, if the application be not open to objection on the face of it, publish a notification of the same in the office of the Mámlatdár of the Táluká and at some conspicuous place in the village in which the estate to which the application relates is situate or in each of the villages comprised in the said estate, as the case may be.

Notice to co-sharers not joining in the application.

(*2*) He shall also serve a notice on each of the known co-sharers who has not joined in the application, requiring any of them who objects to the partition to appear before him to state his objection either in person or by a duly authorised agent, on a day to be specified in the notice, not less than thirty or more than sixty days from the date on which such notice is issued.

Procedure where notice cannot be personally served on co-sharer.

13. Where, from any cause, notice cannot be personally served on any co-sharer, the Táluqdárí Settlement-officer or other officer aforesaid shall order the same to be served by affixing a copy thereof upon some conspicuous part of the house, if any, in which such co-sharer is known to have last resided, or in such other manner as the Táluqdárí Settlement-officer or other officer aforesaid thinks fit.

Power to refuse partition when objection is admitted.

14. If, on or before the day specified, any objection is made to the partition by any sharer, and the Táluqdárí Settlement-officer or other officer aforesaid, on a consideration of such objection, is of opinion that there is any good and sufficient reason why the partition should be disallowed, he may refuse the application, recording the grounds of his refusal.

Procedure if question of title is raised.

15. (*1*) If the objection raises any question as to the right of the applicant to partition or any other question of title which has not been already determined by a Court of competent jurisdiction, the Táluqdárí Settlement-officer or other officer aforesaid may either decline to grant the application until the question in dispute has been determined by a competent Court, or, if no suit is at the time pending in any such Court in which the question is likely to be determined, may proceed to inquire into the merits of the objection.

Decision when and how to be made by Táluqdárí Settlement-officer or officer appointed by Government.

(*2*) In the latter case, the Táluqdárí Settlement-officer or other officer aforesaid, after making the necessary inquiry and taking such evidence as may be adduced, shall pass a decision declaring the nature and extent of the interests of the party or parties applying for the partition and of the other co-sharers of the estate, if any, and directing by whom and in what proportion the costs of the inquiry and of the partition (which shall be recoverable as an arrear of land-revenue) are to be paid.

(3) The procedure to be observed by the Táluqdárí Settlement-officer or other officer aforesaid in any such inquiry shall be that laid down by the [1]Code of Civil Procedure, 1882, for the trial of original suits, and the provisions of Chapter XLVII of that Code, in so far as they apply to a review of judgment in an original suit shall be applicable to the decision of the Táluqdárí Settlement-officer or other officer aforesaid. The Táluqdárí Settlement-officer or other officer aforesaid may, with the consent of the parties, refer any question arising in such inquiry to arbitration, and the provisions of the same Code relative to arbitrators shall apply to such references. Procedure previous to decision.

XIV of 1882.

16. (1) An appeal shall lie from any decision, or from any part of a decision, passed under the last preceding section by the Táluqdárí Settlement-officer or other officer aforesaid, to the District Court, as if such decision were a decree of a Court from whose decisions the District Court is authorized to hear appeals. District Court may hear appeal from Táluqdárí Settlement-officer's or other officer's decision

(2) Upon such appeal being made, the District Court may issue a precept to the Táluqdárí Settlement-officer or other officer aforesaid, requiring him to stay the partition pending the decision of the appeal. and may stay partition.

17. (1) When it has been decided to make a partition, the Táluqdárí Settlement-officer or other officer aforesaid shall give the parties the option of making the partition themselves; in the event of their not agreeing or of their failing to make the partition, within a period prescribed by the Táluqdárí Settlement-officer or the officer aforesaid in this behalf, the Táluqdárí Settlement-officer or other officer aforesaid shall either make it himself or, if he thinks fit, shall entrust it to arbitrators appointed for this purpose by the parties. Partition how to be effected.

(2) In making the partition, the Táluqdárí Settlement-officer or other officer aforesaid and any person acting under his orders shall have the same powers to enter on the estate under partition, for marking out the boundaries, surveying the land and other purposes as are conferred on Survey-officers by the [2]Bombay Land-Revenue Code, 1879.

Bom. Act V of 1879.

18. (1) When the partition is completed the Táluqdárí Settlement-officer or other officer aforesaid shall make an order confirming it. When partition is complete, order to be made confirming it.

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[1] *See* now Act 5 of 1908, General Acts, Vol. VI.

[2] Vol. II of this Code.

Notification of order.

(*2*) On making such order the Táluqdárí Settlement-officer or other officer aforesaid shall publish a notification of the fact in the office of the Mámlatdár of the taluká and at some conspicuous place in the village in which the estate which has been divided is situate, or in each of the villages comprised in the said estate, as the case may be; and the partition shall take effect on and from the first day of June next after the date of such notification, or such other date next after the date of such notification between the first day of June and the first day of October as the Táluqdárí Settlement-officer or other officer aforesaid, having regard to the usual season of cultivation in the said estate, shall fix in this behalf.

Partition when to take effect.

Delivery of possession.

19. (*1*) If necessary the Táluqdárí Settlement-officer or other officer aforesaid may, at any time after the date aforesaid, order delivery of the share, or any portion of the share, allotted to any co-sharer to be made to him in the manner in which delivery of the same might be ordered by a Civil Court, under the [1]Code of Civil Procedure, 1882, in execution of a decree. XIV of 1882.

Resistance or obstruction how to be dealt with.

(*2*) If, in executing the order of the Táluqdárí Settlement-officer or other officer aforesaid, the officer charged with the execution thereof is resisted or obstructed by any person, or if a co-sharer is resisted or obstructed in obtaining possession of the share or of any portion of the share allotted to him, the Táluqdárí Settlement-officer or other officer aforesaid shall proceed in the manner in which, by section 202 of the [2]Bombay Land-Revenue Code, 1879, a Collector is authorized to proceed for the purpose of inquiring into the reasonableness of any resistance or obstruction to the execution of an order made under that section and of preventing the continuance thereof. Bom. Act V of 1879.

Appeals against order confirming partition to the Commissioner.

20. An appeal against the decision of the Táluqdárí Settlement-officer or other officer aforesaid confirming a partition shall lie to the Commissioner within one year from the date of the order confirming such partition.

Civil Courts barred from entertaining suits or applications for partition.

21. No Civil Court shall entertain any suit or application for partition of táluqdárí estate: provided that nothing in this section shall be deemed to affect the jurisdiction of Her Majesty's High Court of Judicature at Bombay.

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[1] *See* now Act 5 of 1908, General Acts, Vol. VI.

[2] Vol. II of this Code.